

OFFICIAL COPY

Fresno, California

May 9, 2000

The City Council met in regular session at the hour of 9:10 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Garry Bredefeld	Acting Council President
	Chris Mathys	Councilmember
	Henry Perea	Councilmember (Arrived at 9:56 a.m.)
	Sal Quintero	Councilmember
	Ken Steitz	Councilmember
	Dan Ronquillo	Councilmember
	Tom Boyajian	Council President

Jeff Reid, City Manager
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Cindy Hamby, Deputy City Clerk
Yolanda Salazar, Assistant City Clerk

Pastor Bruce Kinabrew gave the invocation and led the Pledge of Allegiance to the Flag.

RESOLUTION OF COMMENDATION TO TOWER CHRISTIAN SCHOOL “DESTINATION IMAGINATION TEAM” (ODYSSEY OF THE MIND) - COUNCILMEMBER STEITZ

PROCLAMATION OF “BRIAN ANTHONY DAY” - PRESIDENT BOYAJIAN

PROCLAMATION OF “OLDER AMERICANS MONTH”

RESOLUTION OF COMMENDATION TO WILLIAM SHEEN - COUNCILMEMBER MATHYS

RESOLUTION OF COMMENDATION TO FRIENDSHIP CENTER FOR THE BLIND ON THEIR 25TH ANNIVERSARY

Acting President Bredefeld left the meeting at 9:22 a.m. and returned at 9:43 a.m.

The above proclamations and resolutions were read and presented.

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APPROVE MINUTES OF MAY 2, 2000

On motion of Acting President Bredefeld, seconded by Councilmember Quintero, duly carried, RESOLVED, the minutes of May 2, 2000, approved as submitted.

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APPROVE AGENDA:

On motion of Acting President Bredefeld, seconded by Councilmember Quintero, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Bredefeld, Mathys, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Perea

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ADOPT CONSENT CALENDAR:

(1A-1) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO FRESNO PIPE AND SUPPLY IN THE ESTIMATED AMOUNT OF \$72,815.63 FOR SIX INCH BUTTERFLY VALVES

(1A-2) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO CALCI QUEST INCORPORATED IN THE ESTIMATED AMOUNT OF \$31,823.1 FOR IRON MANGANESE SEQUESTERING AGENT

(1A-3) * RESOLUTION NO. 2000-135 - 12TH AMENDMENT TO PAR 99-182 ADDING ONE FULL-TIME POSITION IN THE SOLID WASTE DIVISION

(1A-4) RESOLUTION NO. 2000-136 - PROVIDING FOR THE ISSUANCE AND SALE OF 2000-2001 TAX & REVENUE ANTICIPATION NOTES; AND AUTHORIZING THE CITY MANAGER, CONTROLLER, AND CITY CLERK TO EXECUTE THE APPROPRIATE DOCUMENTS, INCLUDING THE OFFICIAL STATEMENT, NOTE PURCHASE AGREEMENT, AND OTHER DOCUMENTS AS NECESSARY TO ISSUE THE TRANs

(1A-7) RESOLUTION NO. 2000-137 - APPROVING THE FINAL MAPS OF TRACT NOS. 4884, 4897 AND 4898, ALL FINAL MAPS OF TENTATIVE MAP NO. 4884 LOCATED ON THE NORTH SIDE OF E. INTERNATIONAL BETWEEN N. CEDAR AND N. MAPLE AVENUES, AND ACCEPTING DEDICATED PUBLIC USES THEREIN. TRACT NO. 4884 IS A 116-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION WITH A PUBLIC STREET ON 26.34 ACRES. TRACTS 4897 AND 4898 TOGETHER ARE A 135-LOT GATED PLANNED DEVELOPMENT SUBDIVISION WITH OUTLOTS FOR LANDSCAPING AND PRIVATE STREETS ON 24.27 AND 21.96 ACRES, RESPECTIVELY

a. * RESOLUTION NO. 2000-138 - 98TH AMENDMENT TO AAR 99-181 APPROPRIATING \$586,000 FOR RIGHT-OF-WAY ACQUISITION PURPOSES ON TRACT NOS. 4884 AND 4898, ALONG MAPLE AND OLYMPIC AVENUES

b. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND STATEMENT OF COVENANT FOR LANDSCAPE MAINTENANCE

c. AUTHORIZE THE DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, UGM FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF A LIEN, STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR THE RIGHT TO FARM, AND THE STATE OF COVENANTS AFFECTING LAND DEVELOPMENT FOR THE PLANTING AND MAINTENANCE OF FRONT YARD TREES

On motion of Councilmember Steitz, seconded by Acting President Bredefeld , duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Perea

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(9:30 A.M.) APPEARANCE BY BENJAMIN JONES, CALIFORNIA VILLAGE HOMEOWNERS ASSOCIATION, REQUESTING COUNCIL DISCUSS AND TAKE ACTION RELATIVE TO CREDIT ADJUSTMENTS ON WATER BILLS OF SEVEN UNITS IN THE COMPLEX

Ted Wilson, 3309 E. Lamona Avenue, briefly reviewed past Council appearances and requested Council approve a credit to California Villages relating to water bills. Acting President Bredefeld left the meeting at 9:46 a.m. and returned at 9:52 a.m.

Department of Administrative Services Assistant Director Garguilo stated partial credit was issued on unoccupied units and the agreement entered into was not to turn off the water, with the Homeowners Association to sign a promissory note for the payment schedule, and concluded stating the Fresno Municipal Code was reviewed and a determination was made accordingly. Mr. Garguilo commended staff on the service and time spent on the above issue.

City Manager Reid noted the Department of Housing and Neighborhood Revitalization has worked with the California Villages for several years to provide loan funds in order to complete the rehabilitation of the area, stated after many years of no effort for the complex to move forward on the loan, the City used the funds in another project.

Barbara Hunt, 944 “F” Street, spoke in support of the City providing full credit to the California Villages.

Councilmember Ronquillo stated no one was able to substantially rehabilitate the units to make them habitable, stated the units represent a problem for the area and, at some point, the City should condemn the area because it represents blight. No action was taken.

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(9:30 A.M.) HEARING ON PLAN AMENDMENT NO. A-99-37, REZONING APPLICATION NO. R-99-52, AND ENVIRONMENTAL FINDINGS, FILED BY CLINTON HOWE AND CLIFFORD HOWE ON BEHALF OF HOWE PROPERTIES II, PROPERTY LOCATED AT THE NORTHWEST CORNER OF N. SIERRA VISTA AND E. CLAY AVENUES

1. CONSIDER ENVIRONMENTAL ASSESSMENT/NEGATIVE DECLARATION NO. A-99-37, R-99-52, S-99-318, V-00-11

2. RESOLUTION NO. 2000-139 - AMENDING THE ROOSEVELT COMMUNITY PLAN

3. BILL NO. B-33 - ORDINANCE NO. 2000-36 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM P AND R-3 TO M-1

President Boyajian announced the time had arrived to consider the issue and opened the hearing. **(2 - 0)**

to be heard and President Boyajian closed the hearing.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the finding of a Negative Declaration for Environmental Assessment No. A-99-33/R-99-49/S-99-304, dated 3/30/00, hereby approved; the above entitled Resolution No. 2000-139 hereby adopted; and the above entitled Bill No. B-33 rezoning the subject property from the R-3 and P zone districts to the M-1 zone districts adopted as Ordinance No. 2000-36, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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(5C) * RESOLUTION NO. 2000-140 - 100TH AMENDMENT TO AAR 99-181 APPROPRIATING \$2,200 OF DISTRICT 3'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND SOBER GRAD NIGHT AT THREE HIGH SCHOOLS, THE LOWELL NEIGHBORHOOD TIME DOLLAR OPERATING EXPENSES, AND POLICE OFFICERS FOR THE CINCO DE MAYO CELEBRATION HELD ON THE FULTON MALL - COUNCILMEMBER RONQUILLO

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 2000-140 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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(5D) RESOLUTION NO. 2000-141 - SUPPORTING AB 1818 - THE VILLARAIGOSA SENIOR CENTER BOND ACT OF 2000 - COUNCILMEMBER RONQUILLO

Jo Johnson, Executive Director of the Fresno-Madera Area Agency on Aging, gave a brief overview of the Assembly Bill 1818 and requested Council approval.

A motion by Councilmember Ronquillo to approve the above resolution was made and acted upon after brief discussion.

Barbara Hunt, 944 "F" Street, spoke to the issue.

Councilmember Steitz stated he would support the Bill as amended on the 3/23/00 passage from the committee, with Council concurrence.

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 2000-141, with an amendment to the resolution to state Council approval as of 3/23/00 passage by the committee, hereby adopted, by the following vote:

Noes : None
Absent : None

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(5E) * RESOLUTION NO. 2000-142 - 101ST AMENDMENT TO AAR 99-181 APPROPRIATING \$4,400 OF DISTRICT 3'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND THE CONVENTION CENTER FEES FOR THE BARRIOS UNIDOS DINNER/DANCE AND THE CALIFORNIA COMMUNITY SERVICES EVENT TO BE HELD ON JUNE 6, 2000 - COUNCILMEMBER RONQUILLO

Councilmember Ronquillo spoke briefly on the issue.

Barbara Hunt, 944 "F" Street spoke to the issue.

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 2000-142 hereby adopted, by the following vote:

Ayes : Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes : None
Absent : None

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(5F) APPROVE APPOINTMENT OF ALTERNATE MEMBER TO THE COUNCIL OF GOVERNMENTS RAIL COMMITTEE - COUNCILMEMBER STEITZ

On motion of Councilmember Steitz, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the appointment of Councilmember Perea as alternate member to the Council of Governments Rail Committee hereby approved, by the following vote:

Ayes : Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes : None
Absent : None

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(5H) DISCUSS SETTING OF COUNCIL HEARINGS/DATES/TIMES ON FY 2001 BUDGET - PRESIDENT BOYAJIAN

Councilmember Mathys requested budget hearings be scheduled on regular Council meeting days, questioned whether it was necessary for the Mayor to present his proposed budget with City Manager Reid stating the City Charter states the Mayor is required to present his budget before the continued hearing can begin.

Barbara Hunt, 944 "F" Street, spoke to the issue.

Councilmember Mathys requested City Clerk provide a copy of the portion of the City Charter dealing with the presentation of the Mayor's budget. Extensive discussion ensued regarding scheduling of the hearings and creating a budget committee.

With Council concurrence the continued budget hearings to be scheduled for May 16, 2000 @ 2:00 p.m., May 23, 2000 @ 2:00 p.m. and May 30, 2000 @ 9:00 a.m. with a schedule of each department's presentation for a one-hour block.

Council President Boyajian stated an alternative budget was tentatively scheduled for presentation on Thursday, May 11, 2000.

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(10:00 A.M.) REPORT ON STATUS OF AWARD OF AUTOMATED RED LIGHT VIOLATION ENFORCEMENT CONTRACT AND IMPLEMENTATION OF COUNCIL AND BOARD DIRECTION TO BRING BACK AGREEMENT IDENTIFYING FUNDING FOR A PILOT AUTOMATED RED LIGHT VIOLATION ENFORCEMENT PROJECT IN THE CITY; COUNCIL DIRECTION TO FINALIZE FUNDING AGREEMENT AND BEGIN AN AUTOMATED RED LIGHT CITATION PROGRAM AT THE EARLIEST OPPORTUNITY - ACTING PRESIDENT BREDEFELD

District 6 Staff Assistant Kloose reviewed the background and history of the California State Government Code 77025, stated the project is moving forward. Councilmember Ronquillo left the meeting at 10:24 a.m. and returned at 10:40 a.m. Ms. Kloose briefly discussed the negotiations, increase in Court volume and Board of Supervisors' concerns, and advised the end of May is the anticipated date for submission to Council for approval.

Barbara Hunt, 944 "F" Street spoke in opposition.

City Manager Reid questioned the language in the draft agreement related to the City that would guarantee a minimum payment to the County of Fresno of \$100,000 per year regardless of whether the program worked or not with Assistant City Attorney Avila responding. Councilmember Perea left the meeting at 10:32 a.m. and returned at 10:37 a.m. Mr. Reid stated the Council should be cautious in the language and acknowledgment as to the guarantees to the County relating to the 1977 Memorandum of Understanding (MOU).

Councilmember Steitz requested a copy of the proposed agreement, stated the 1977 MOU should not be acknowledged in any agreement, with City Attorney Montoy stating the primary concern was to protect the City's interest.

Councilmember Mathys stated his opposition to the program, commended Acting President Bredefeld on his effort, and elaborated on the concern of the City being the guarantor of the pilot program. No action taken.

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(5G) DISCUSSION AND DIRECTION TO STAFF REGARDING THE CLEAN AIR COMMITTEE - COUNCILMEMBER PEREA

Councilmember Perea announced the following members appointed to the Clean Air Committee; Steve Kirdy, CalTrans; John Wright, Mayor of Kingsburg; Bruce Owdem, Attorney, Terry Tool, Contractor; and Dr. Steve Lewis, Fresno State University. Councilmember Perea stated two appointments still needed to be made, one from District 1 and one from the Mayor's Office and questioned the arrangement of meeting dates and staffing with City Manager Reid responding. No action taken.

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(10:30 A.M.) NOTICE OF SPECIAL MEETING OF THE CITY OF FRESNO CITY COUNCIL:

A. APPROVING LICENSE/PERMIT AGREEMENT WITH THE GAP, INC. TO ALLOW ACCESS TO THE REAL PROPERTY NEAR THE FRESNO AIR TERMINAL, FOR THE PURPOSE OF COMMENCEMENT OF GRADING, PENDING FINANCING ALTERNATIVES AND AGREEMENTS BY AND AMONG THE GAP, INC., THE CITY, AND THE REDEVELOPMENT AGENCY

President Boyajian announced the time had arrived to consider the special meeting and opened the hearing.

Councilmember Steitz stated the special meeting was a result of the agreements the City needed to proceed with regarding the Development and Disposition Agreement, and stated the agreement for approval today would allow GAP Inc. entry into the sites so there would be no delay on Phase III.

Barbara Hunt, 944 “F” Street, spoke in opposition **(3 - 0)**.

Upon call, no one else wished to be heard and President Boyajian closed the hearing. Councilmember Ronquillo expressed concern regarding the lateness of receiving the red-tag item and made a motion, seconded by Acting President Bredefeld to continue the item one week to allow appropriate time to review the material which was subsequently amended to 2:00 p.m. and voted upon after extensive discussion.

City Attorney Montoy gave a brief overview of the item, stated on approval of the above agreement, GAP would be the party at-risk and discussed the benefits the Agency would receive from tax increments.

City Manager Reid discussed the original agreement, the various phases involved, creating more debt for the Redevelopment Agency and the importance of approving the license agreement and recommended delaying approval of the agreement until 2:00 p.m. in order for Council to have sufficient time to review the item.

Councilmember Perea questioned the status of the various phases and expressed concern with a telephone conversation his office received from a union inquiring about work and GAP not returning the call, with Economic Development Manager Bayhi stating he would contact The GAP.

On motion of Councilmember Ronquillo, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above listed item continued to 2:00 p.m., by the following vote:

Ayes	:	Bredefeld, Perea, Ronquillo, Boyajian
Noes	:	Mathys, Quintero, Steitz
Absent	:	None

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(1A-5) APPROVE LEASE WITH OPTION TO PURCHASE PROPERTY AT 1615 EL DORADO FOR SOLID WASTE CONTAINER STORAGE; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE LEASE ON BEHALF OF THE CITY

Councilmember Ronquillo questioned where the solid waste containers would be placed, with Solid Waste Manager Smith stating the curbside containers would be stored inside the building and the metal containers would be stored outside, below the fence level.

On motion of Councilmember Ronquillo, seconded by Councilmember Mathys, duly carried, RESOLVED, the Lease with Option to Purchase Agreement hereby approved and the Public Works Director authorized to execute the lease, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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(1A-6) RESOLUTION NO. 2000-143 - APPROVING THE FINAL MAP OF TRACT NO. 4582, A 51-FOOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION LOCATED ON THE EAST SIDE OF N. POLK BETWEEN W. HERNDON AND W. ALLUVIAL AVENUES; AND ACCEPTING THE DEDICATED PUBLIC USES THEREIN

a. RESOLUTION NO. 2000-144 - CERTIFYING THAT PROVISIONS HAVE BEEN MADE FOR SEGREGATION OF THE EXISTING ASSESSMENT OF EACH NEW PARCELS BEING CREATED BY TRACT NO. 4582

b. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND STATEMENT OF COVENANT FOR LANDSCAPE MAINTENANCE

c. AUTHORIZE THE DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, UGM FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF A LIEN, STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT ACKNOWLEDGING SIERRA SKY PARK AIRPORT OPERATIONS, AND STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR THE PLANTING AND MAINTENANCE OF FRONT YARD TREES

Councilmember Bredefeld questioned the location of sidewalks being installed with Development Director Yovino and City Engineer Salazar responding,

A motion by Acting President Bredefeld, seconded by Councilmember Quintero to approve staff recommendation was acted upon after extensive discussion.

Spalding Wathen stated the procedure was to install sidewalks on both sides of the street, expressed concern when Council voted against the law on a sidewalk issue, and requested Council not require sidewalks inside as presented on his map with City Attorney Montoy stating Council's vote was legal. Extensive discussion ensued.

On motion of Acting President Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the Public Works Director authorized to execute the Subdivision Agreement and Statement of Covenant for Landscape Maintenance, execute the Statement of Covenants Affecting Land Development Deferring Certain Sewer Fees to the Time of issuance of Certificate of Occupancy and Creation of a Lien, statement of Covenants Affecting Land Development acknowledging Sierra Sky Park Airport Operation and Statement of Covenants Affecting Land Development for the planting and Maintenance of front yard trees, and the above entitled Resolution Nos. 2000-143 and 2000-144 hereby adopted, by the following vote:

Noes : None
Absent : None

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(1A-8) REJECT THE BID RECEIVED FOR THE TRAFFIC OPERATION CENTER BECAUSE IT SIGNIFICANTLY EXCEEDED THE FUNDS AVAILABLE, AND DIRECT STAFF TO REVIEW THE SPECIFICATIONS, REBID THE PROJECT, AND TAKE MEASURES TO ENSURE A LARGER NUMBER OF BIDS

Dave Williams, BH Williams Construction, 1731 S. Maple requested the above item be laid over one week to allow time for discussion of the bid with staff in order to optimize the cost.

Councilmember Mathys made a motion to continue the item one week, which was voted upon after discussion.

City Manager Reid stated the City was under pressure to deliver the project, stated the goal would be to re-bid the project or possibly renegotiate with the single bidder with City Attorney Montoy stating the City is under serious legal constraints relating to competitive bidding laws.

City Engineer Salazar stated the City was not able to negotiate the bid under the Federal guidelines, stated the project had to be awarded to the lowest bidder and recommended re-advertising and that time Mr. Williams would be eligible to re-bid and elaborated.

A substitute motion was made by Councilmember Steitz to approve staff recommendation was acted upon after brief discussion.

A motion of Councilmember Mathys, seconded by Council President Boyajian to continue the above listed item one week failed approval, by the following vote:

Ayes : Mathys, Perea, Boyajian
Noes : Bredefeld, Quintero, Ronquillo, Steitz
Absent : None

On motion of Councilmember Steitz, seconded by Councilmember Ronquillo, duly carried, **RESOLVED**, the bids received for the Traffic Operation Center hereby rejected, staff directed to review the specifications, rebid the project and take measures to ensure a larger number of bids, by the following vote:

Ayes : Bredefeld, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes : Mathys
Absent : None

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(3A) * BILL - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO THE PAYMENT OF A STIPEND TO THE NON-EMPLOYEE RETIREMENT BOARD MEMBER

TO THE NON-EMPLOYEE BOARD MEMBER ON EACH BOARD

A motion by Councilmember Quintero to introduce the above listed bills was acted upon after brief discussion.

Councilmember Steitz questioned the number of meetings the Retirement Boards have per month with Retirement Administrator McDivitt responding. **(4 - 0)** Councilmember Steitz stated a limit needed to be established of \$50.00 per meeting and made a motion to amend the Fresno Municipal Code that the stipend would not be determined by the Board, but that the four (4) Employee Boardmembers shall serve without compensation and the fifth appointed non-employee member shall be paid a monthly stipend of a maximum of \$50.00 per meeting.

Councilmember Mathys questioned the amount proposed with Mr. McDivitt stating \$100.00 per meeting. Councilmember Mathys also questioned whether the position was full-time or part-time with Mr. McDivitt responding.

A motion was made by Councilmember Mathys to cap the stipend at \$100.00 per meeting and any increase thereof would need Council approval until the position becomes full-time and at that time any increase would be required to be approved by the voters.

Discussion ensued on the original motion to introduce the bills.

A substitute motion was made by Councilmember Steitz for the City Council to set the rate of pay for the one (1) non-employee member of the Retirement Boards through the annual resolution was voted upon after brief discussion.

City Attorney Montoy stated if Council did not accept the Boards' recommendation, it should be referred back to the Retirement Boards with the recommendation that the item be subject to Council approval, and noted the recommendation needed research as to whether the Council had authority in the area due to intervening State legislation approved by the voters called Proposition 62. Brief discussion ensued.

A substitute motion by Councilmember Steitz, seconded by Councilmember Mathys, to refer the item back to the Retirement Boards with the recommendation that City Council set the salary for the one (1) non-employee member of the Retirement Boards hereby approved, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Ronquillo, Steitz, Boyajian
Noes	:	Quintero
Absent	:	None

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(2A) CONSIDER RECOMMENDATIONS TO THE FRESNO COUNTY BOARD OF SUPERVISORS REGARDING FARMLAND SECURITY ZONES

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Development Director Yovino briefly reviewed the staff report as submitted.

consultation area or buffer zone in which cities would have the ability to concur with any applications made for farmland security zone contracts within that area, and 2) the impact on special districts, recommended Council allow farmland security zones to occur up to the sphere of influence line in those areas and provide an area for potential growth and discourage farmland security contracts in the northeast, stated his support for the Planning Commission's recommendation to create a consultation zone within the 10Z Planning Area for a period of 1 year until the General Plan is adopted and elaborated.

Julianne Dittman, Executive Director of the Fresno County Farm Bureau, 1274 W. Hedges #2A, spoke in support of the Planning Commission's recommendation; Barbara Hunt, 944 "F" Street also spoke on the issue.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

Councilmember Steitz questioned the three mile zone, spoke in support of the concept but expressed concern with the need to encourage regional planning, stated the 3-mile concurrence by the City would be financially affected by farmland security zones and should have some input, and elaborated.

Mr. Yovino reiterated the opinions of the City and the Farmland Trust, stated Farmland Trust wants the City to have review and consultation authority where the City recommended consultation and concurrence authority with extensive discussion ensuing.

A motion by Councilmember Perea, seconded by Acting President Bredefeld to approve staff recommendation and include a 3-mile concurrence was discussed. Acting President Bredefeld left the meeting at 11:59 a.m. and returned at 12:03 p.m.

Councilmember Ronquillo expressed concern regarding the necessity of a plan that developers and farmers are aware of, and the need for them to know how to budget and succeed in this area and stated his support for State legislation to limit expansion on a statewide basis.

City Manager Reid elaborated on the City's position and goals relating to the 3-mile concurrence with a 20-year contract, stated some of the smaller cities have not had their spheres updated yet and discussed concurrence versus consultation and the importance of being involved in the planning process. **(5 - 0)**

A motion of Councilmember Steitz, seconded by Councilmember Mathys to call for the question was acted upon.

Julianne Dittman responded to questions, clarifying specifics presented by the Fresno County Farm Bureau.

A substitute motion by Councilmember Ronquillo to approve Planning Commission's recommendation died due to lack of a second.

On motion of Councilmember Perea, seconded by Councilmember Steitz, duly carried, RESOLVED, staff hereby directed to forward the following recommendations to the County Board of Supervisors; 1) the City of Fresno have concurrence authority for zone requests outside their sphere of influence; 2) that authority should extend at least 3-miles beyond its sphere of influence boundary; 3) special district revenues should not be reduced by the creation of zones, by the following vote:

Noes : Ronquillo, Boyajian
Absent : None

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UNSCHEDULED ORAL COMMUNICATION:

Tony Jaglassian, 3948 N. Blackstone stated his business, located on Blackstone Avenue has been cited by the Code Enforcement Division for having a sign indicating to people the business is in the back and requested leniency or modification in the sign ordinance due to the business not being located on the main frontage road. No action taken.

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LUNCH RECESS - 12:25 P.M. - 2:14 P.M. Councilmember Perea arrived later.

(10:30 A.M.) APPROVE AGREEMENT TO ALLOW THE GAP, INC., ACCESS TO BEGIN SITE PREPARATION PRIOR TO COMPLETION OF THE NEW AGREEMENTS BETWEEN THE GAP, INC., THE CITY OF FRESNO AND THE REDEVELOPMENT AGENCY (CONTINUED FROM EARLIER IN THE MEETING)

Councilmember Ronquillo stated he was satisfied with the information after reviewing the document and speaking with City and RDA staff, and made a motion to approve staff's recommendation. City Attorney Montoy advised two housekeeping corrections were also being made which were in conformance with all representations made earlier.

On motion of Councilmember Ronquillo, seconded by Councilmember Steitz, duly carried, **RESOLVED**, the housekeeping corrections accepted, the "License/Permit to Enter Property" agreement hereby approved, and authority granted to make minor changes and deletions approved by the City Manager and City Attorney, by the following vote:

Ayes : Bredefeld, Mathys, Quintero, Ronquillo, Steitz, Boyajian
Noes : None
Absent : Perea

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(5A) DIRECT CITY ATTORNEY TO PLACE THE DRAFTING OF THE COUNCIL COMPENSATION ORDINANCE ON HOLD TO ALLOW FOR FURTHER RESEARCH WHICH MAY RESULT IN RECOMMENDATION TO REVISE COUNCIL DIRECTION - ACTING PRESIDENT BREDEFELD

President Boyajian gave an overview of the issue, and noted 1991 was the last time Council received a pay increase and he felt a giant mistake was made at that time as no mechanism was established to provide for cost of living increases. Councilmember Perea arrived at 2:20 p.m. President Boyajian continued speaking in support of an increase; stressed the position of Councilmember was full-time and explained; acknowledged and commended various Councilmembers for their efforts and accomplishments; commented on the negativity of the whole issue and the media's role in it stating Council should not have had to have gone through that type of vilification; stressed the two main issues were (1) the position was *not* part-time, and (2) the current mechanism for providing salaries/increases was faulty; and added he also supported cutting the Council President's extra \$16,000 pay.

Acting President Bredefeld clarified a pay increase would be for future Councilmembers; stated the proposal to tie Council's salary to the Board of Supervisors was premature but the intent was to take the salary issue completely out of Council's hands; expressed concern and stated he took exception to criticisms of Council and explained stressing it was not good for the community and had to stop; indicated research showed Council was not paid comparably to other cities and displayed a chart on the overhead; concurred the position was not part-time and stated he felt compensation should be commensurate with the work and sacrifices made; stated an increase would not attract "better" people but would allow some flexibility to those who wanted to commit their time to public service; noted the issue of putting the matter before voters was a nice political trick; stated the number of Council support staff also needed to be looked into and explained; advised if a 3% cost of living increase had been set back in 1991 Council would be making \$44,500 and he felt Council should now set \$44,500 to \$50,000 as the salary increase; explained his proposal for a salary-setting commission to review the Mayor's and Council's salary every 2 years and make recommendations to Council; advised he would be bringing those parameters back to Council and hoped Council would support them; and noted in the next month he would be bringing up the issue of Council support staff and fair compensation. Upon question of President Boyajian, Acting President Bredefeld stated decreasing the Council President's salary would also be included in his parameters.

Councilmember Mathys stated he looked at public service as a few good men and women willing to sacrifice and serve their communities, constituents, families and nation; noted a part of that sacrifice was not receiving compensation of a normal job; commented on what he and Council had accomplished and what brought him pleasure as a Councilmember; concurred Council was ridiculed at times but stated it had been shown that if you worked hard and believed in something it could come together for the benefit of the community despite opposition from the media, special interest groups or anyone else; and concluded stating his compensation was getting the job done and improving his district and community.

(6 - 0) Councilmember Ronquillo commented on the issue stating Council was extending themselves out politically more than they had to by proposing the increase; stated the first line of respect was to offer a fair compensation and the real issue was results; commented on the enormous number of hours Council expended on and off the job; and reiterated an increase would benefit future representatives.

William Milton, Sr., 1307 N. Calaveras, spoke in support of an increase.

Councilmember Perea stated one of the reasons he did not support the matter the last time was he did not see the logic behind the increase to \$70,000; noted since that time he had talked with others and was now approaching the issue from more of a human resource perspective and what the value of the position was to a community; commented on criticisms from the media relative to the Mayor's race stating it was wrong and added he felt the current Council was probably of the highest quality than it had ever been in the history of the City; advised he was comfortable with information received and he would support and provide the fifth vote to move forward with an increase to \$44,000 and the concept of a salary-setting commission; and concluded stating it would be meaningless to veto the action. Acting President Bredefeld stated he echoed Councilmember Perea's comments relative to the Mayor's veto authority and explained.

On motion of Acting President Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the City Attorney directed to return with an ordinance setting the City Council's salary at \$44,510 and establishing a salary-setting commission to review and determine Mayor and Council salaries every two years, by the following vote:

Ayes : Bredefeld, Perea, Quintero, Ronquillo, Boyajian
Noes : Mathys, Steitz
Absent : None

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(5B) REQUEST CITY ATTORNEY TO PREPARE A RESOLUTION PLACING A BALLOT MEASURE ON THE NOVEMBER 7, 2000, BALLOT TO AMEND THE CHARTER REQUIRING SALARY INCREASES OF THE MAYOR AND COUNCILMEMBERS BE APPROVED BY A VOTE OF THE ELECTORATE - COUNCILMEMBER STEITZ

Reviewed by Councilmember Steitz who stated this would provide the needed mechanism to set salaries so future Councils would not have to go through what this Council was now going through; stated the salary-setting commission proposal by Acting President Bredefeld was the right direction to go but he felt it needed to go directly to the voters as they were the ones who should approve salaries and increases; requested Council support the matter stating politics needed to be taken out of the issue and the matter needed to be taken out of Council's hands; and made a motion to direct the City Attorney to prepare a resolution as outlined above.

William Milton, Sr., 1307 N. Calaveras, spoke in support of an independent salary-setting commission.

Upon question of Acting President Bredefeld, City Attorney Montoy stated the cost to place the matter on the ballot would be at least \$10,000. Acting President Bredefeld stated he would be willing to support the motion if other matters such as The Gap also went before the voters and explained; stated Council was elected to make decisions and voters held Council accountable for decisions made; and stated this was a political charade from someone running for office and he would not support it.

Councilmember Ronquillo clarified and responded to comments made by Mr. Milton and commented on the laws of politics relative to sensitive issues. Councilmember Mathys spoke in support of the motion stating Council needed to start listening to the people. Upon question of Councilmember Steitz, Ms. Montoy confirmed a mechanism was in place which called for a vote of the people for Council salary adjustments over 5%.

A motion of Councilmember Steitz, seconded by Councilmember Mathys, to direct the City Attorney to prepare a resolution placing a measure on the November 7, 2000, ballot to amend the charter to require Mayor and Council salary increases be approved by a vote of the electorate failed, by the following vote:

Ayes : Mathys, Steitz
Noes : Bredefeld, Perea, Quintero, Ronquillo, Boyajian
Absent : None

Councilmember Steitz stated the matter would be on the November ballot as he would be gathering the required signatures..

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(11:00 A.M.) CLOSED SESSION:

(A) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6 - CITY NEGOTIATORS: JEFFREY REID, ANDREW SOUZA, JORGE AGUINIGA - EMPLOYEE ORGANIZATION: FCEA MOU EXTENSION - COUNCILMEMBER RONQUILLO

(B) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION:

- 1. CLAIM OF LINDA DAVIS V. COF**
- 2. CLAIM OF WILLIAM J. ROPER V. COF**
- 3. CLAIM OF DAYESHAWNE TURNER V. COF**

(C) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAMES:

- 1. CITY OF FRESNO V. SHELL OIL, ET AL.**
- 2. FCEA V. COF, CITY COUNCIL, JEFFREY M. REID, CITY MANAGER, YVONNE QUIRING, DIRECTOR OF HOUSING AND NEIGHBORHOOD REVITALIZATION**
- 3. FCEA V. COF, JEFFREY M. REID, CITY MANAGER, CHIEF ADMINISTRATIVE OFFICER, ANDREW SOUZA, DIRECTOR OF ADMINISTRATIVE SERVICES, AND RON PRIMAVERA, DIRECTOR OF PARKS, RECREATION AND COMMUNITY SERVICES**

JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY:

(D) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GOVERNMENT CODE SECTION 54956.8 - PROPERTY: BOUND BY N. CLARK, E. MCKENZIE, N. FRESNO AND E. DIVISADERO - NEGOTIATORS: CITY MANAGER, CITY ATTORNEY AND REDEVELOPMENT AGENCY EXECUTIVE DIRECTOR - NEGOTIATING PARTIES: CITY OF FRESNO, REDEVELOPMENT AGENCY, COMMUNITY MEDICAL CENTERS - UNDER NEGOTIATIONS: PRICE, TERMS OF PAYMENT, AND OTHER TERMS OF CONVEYANCE

(E) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GOVERNMENT CODE SECTION 54956.8 - ACTING PRESIDENT BREDEFELD:

PROPERTY: BOUND BY TULARE, BROADWAY/"H" AND INYO STREETS AND THE FULTON/BROADWAY ALLEY (PROPOSED MULTIPURPOSE BASEBALL STADIUM - NEGOTIATORS: CITY MANAGER, CITY ATTORNEY AND REDEVELOPMENT AGENCY EXECUTIVE DIRECTOR - NEGOTIATING PARTIES: CITY OF FRESNO, REDEVELOPMENT AGENCY, FRESNO DIAMOND GROUP/FRESNO GRIZZLIES LLP - UNDER NEGOTIATIONS: INSTRUCTIONS TO NEGOTIATORS CONCERNING PRICE AND OTHER LEASE TERMS AND CONDITIONS WITH FRESNO GRIZZLIES LLP AND OTHER TERMS OF CONVEYANCE

The Council met in closed session in Room 2125 at the hour of 3:30 p.m. to consider the above issues and adjourned thereafter.

CLOSED SESSION ANNOUNCEMENTS:

B-1. CLAIM OF LINDA DAVIS V. COF - Claim for \$1 million alleging dangerous condition of parking lot on the northwest corner of Tulare and M Streets resulting in fall and injury to claimant, Council rejected the claim by a vote of 4-0 with Councilmembers Ronquillo, Mathys and Perea absent.

B-2. CLAIM OF WILLIAM J. ROPER V. COF - Claim for \$1 million alleging negligent construction, maintenance, and repair of sidewalk at the north east corner of Arthur and W. Shaw resulting in personal injury, Council rejected the claim by a vote of 4-0 with Council Councilmembers Ronquillo, Mathys and Perea absent.

B-3. CLAIM OF DAYESHAWNE TURNER V. COF - Claim for \$12 million alleging excessive force and racial profiling for incident occurring on October 15, 1999, Council rejected the claim by a vote of 4-0 with Councilmembers Ronquillo, Mathys and Perea absent.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 4:30 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

APPROVED this _____ day of _____, 2000.

Tom Boyajian, Council President

ATTEST: _____

Yolanda Salazar, Assistant City Clerk